



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,575	07/27/2001	Kwang H. Kim	P951	1034

7590 02/09/2005

Daniel L. Dawes
MYERS, DAWES & ANDRAS LLP
Suite 1150
19900 MacArthur Boulevard
Irvine, CA 92612

EXAMINER

FERRIS, DERRICK W

ART UNIT	PAPER NUMBER
----------	--------------

2663

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,575

Applicant(s)

KIM, KWANG H.

Examiner

Derrick W. Ferris

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6-12, 15, 18-21, and 24-25 is/are rejected.
- 7) ☒ Claim(s) 3-5, 13, 14, 16, 17, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Objections

1. **Claims 2-5 and 14** are objected to because of the following informalities: **Claim 2**, line 7 is objected to for lacking proper antecedent basis for “the message”. The examiner recommends clarify that the message is the multicast message. **Claim 3**, line 4 is objected to for lacking proper antecedent basis for “the multicast message”, “the sender”, and “the multicast group”. **Claim 4**, lines 3, 4, and 7 are objected to for lacking proper antecedent basis for “the multicast message”, “the multicast group”, “the sender”, and “the local communication manager”. **Claim 14**, line 7 is objected to for lacking proper antecedent basis for “the local communication manager”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 2, 6-12, 15, 18-21, 24 and 25** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,223,286 B1 to *Hashimoto*.

As to **claim 1**, see e.g., figures 9, 10, and 17 of *Hashimoto*. In particular, transmitting a multicast message to said plurality of receivers from a sender through a computer network is shown e.g., in figure 10 where a transmitter is transmission device 601 and the receivers are 602, 603. The multicast message is Mp. Each receiver

processes the multicast message as shown e.g., in figure 9. In particular, the multicast message M_p is processed after time T_4 expires in step 127 where T_4 is set to a release time via the acquired scheduling information taught e.g., in step 504 –507 of figure 17. Thus the transmitter (i.e., sender) chooses and sends an official release time to every receiver which is based on the probability of the multicast being completed before the official release time is at or above a user selected level, see e.g., columns 21-22 with respect to $Tr(p)$ which is dependent on T_s . See also column 18, lines 52-59 with respect to probability. The senders and plurality of receivers remain healthy during the session by using ACK, NACK, and RACK, see e.g., figure 10.

As to **claim 2**, see similar rejection to claim 1. In addition, see figure 17 with respect to error processing at steps 512 and 522. In particular, the message M_p is sent S times as taught in step 511. If the message is not delivered after the sender makes S_{max} attempts, a cancellation notice is sent to all members in the group at step 512. In particular, see e.g., column 21, lines 33-45 which teaches canceling the multicast session. A cancellation message may also be sent by the receiver by omitting the acknowledgment message. As shown in figure 17, the cancellation is performed before step 140 such that the error processing is performed before the official release time.

As to **claim 6**, see similar rejection to claim 2 with respect to at least step (i).

As to **claim 7**, see similar rejection to claim 2 with respect to at least step (i).

As to **claim 8**, see similar combined rejections to claims 6 and 7.

As to **claim 9**, see similar rejection to claim 1.

Art Unit: 2663

As to **claim 10**, step (i) is at least met since the release time is not determined until all ACK messages are received. In addition, step (ii) is met if the time-out value for e.g., T1 expires.

As to **claim 11**, see e.g., step 503 with respect to T1.

As to **claim 12**, see similar rejection to claim 2. Also see steps 512 and 522 in figure 17.

As to **claim 15**, see similar combined rejections to claims 1 and 2.

As to **claim 18**, see similar rejection to claim 1.

As to **claim 19**, see similar combined rejections to claims 1 and 2.

As to **claim 20**, see similar rejection to claim 10.

As to **claim 21**, see similar rejection to claim 12.

As to **claim 24**, see similar rejection to claim 6.

As to **claim 25**, see similar rejection to claim 7.

Allowable Subject Matter

4. **Claims 3, 4, and 5** are allowed.
5. **Claims 13, 14, 16, 17, 22 and 23** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

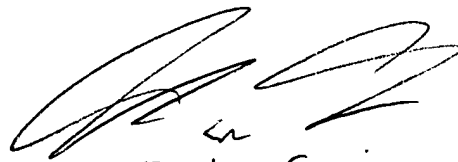
Art Unit: 2663

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571)272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick W. Ferris
Examiner
Art Unit 2663


DWF


Derrick W Ferris